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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,316	10/22/2001	Mark Lucovsky	3100	9380

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,316

Applicant(s)

LUCOVSKY ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claims Status

Claims 4-37 are pending. Claims 1-3 have been cancelled. Claims 4-37 are rejected as detailed below.

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4-6 and 8-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No US 2005/0065950 issued to Chaganti et al (hereafter Chaganti) in view of Pub No US 2001/0029470 issued to Schultz et al (hereafter Schultz).

Claims 4, 14, 16-23, 29-31, 35 and 36:

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Chaganti discloses:

- receiving a request from a device having a service running thereon using a service to service protocol to retrieve contacts data from a data store, the request including associated identity information [user computer 104 with suitable programs to connect to network 102, Fig 1, paragraph 23]
- reading from the data store to obtain contacts data in response to the request, wherein access to the data store is based on the associated identity information [authorization verification module 118, Fig 1, paragraph 38]
- constructing a contacts document including at least part of the requested contacts data and including a defined identity-based schema for contacts data, the defined schema operable to be interpreted by the service running on the device [documents, paragraphs 21 and 22]
- returning the contacts document to the device in response to the request [Fig 2b, step 224]

Chaganti discloses the elements of the claimed invention as noted above but does not disclose a SOAP protocol. Schultz discloses a SOAP protocol. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaganti to include a SOAP protocol as taught by Schultz for the purpose of adding an XML envelope to an XML documents so that the recipients can know what the contents of the XML documents are supposed to contain and what if any, processing is expected or required to be performed [paragraph 34].

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Claims 5, 15 and 27:

The combination of Chaganti and Schultz discloses the elements of claim 4/14 as noted above and furthermore discloses wherein the schema includes at least one defined field for extending the schema [Chaganti, medical information, paragraph 43].

Claim 6:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to a contacts display name [Chaganti, Table 1]

Claim 8:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one data field comprises data corresponding to a phone number [Chaganti, paragraph 36]

Claim 9:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to an e-mail address [Chaganti, paragraph 55]

Claim 10:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to a mailing address [Chaganti, paragraph 36].

Claim 11:

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The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to a title [Chaganti, paragraph 36]

Claim 12:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to a second phone number [Chaganti, paragraph 36]

Claim 13:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above and furthermore discloses wherein the at least one defined field comprises data corresponding to second email address [Chaganti, paragraph 55]

Claim 23:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above but fails to disclose a delete manipulation. Official Notice is taken that a delete manipulation is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include a delete manipulation for the purpose of removing information that is obsolete and thereby freeing up storage for new and up-to-date information.

Claims 24 and 32:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above and furthermore discloses wherein the manipulating comprises an update manipulation [Chaganti, paragraph 5]

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Claim 25:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above and furthermore discloses wherein the manipulating comprises a replace manipulation [Chaganti, paragraph 5]

Claim 26:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above and furthermore discloses wherein the manipulating comprises a send message manipulation [Chaganti, paragraph 21]

Claim 27:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above and furthermore discloses wherein the manipulating comprises a save message manipulation [Chaganti, paragraph 21]

Claim 28:

The combination of Chaganti and Schultz discloses the elements of claims 16 and 20 as noted above but fails to disclose wherein the manipulating comprises a copy message manipulation. Official Notice is taken that a copy message manipulation is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include a copy message manipulation for the purpose of sending a duplicate copy of the message to a second person such that the second person is kept up-to-date regarding the subject matter of the message.

Claim 33:

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Chaganti discloses computer-executable instructions for denying the request for data based on the associated identity information [paragraph 57]

Claim 34:

Chaganti discloses computer-executable instructions for constructing the document in an extensible markup language [paragraph 25]

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Chaganti and Schultz and further in view of US Pat No 6,453,317 issued to LaCost et al (hereafter LaCost).

Claim 7:

The combination of Chaganti and Schultz discloses the elements of claims 4 and 5 as noted above but fails to disclose wherein the at least one defined field comprises data corresponding to a contact protocol. LaCost discloses wherein the at least one defined field comprises data corresponding to a contact protocol [Fig 1, col 3, lines 55-58]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the at least one defined field comprises data corresponding to a contact protocol as taught by LaCost for the purpose of providing a system in which shared databases containing customer related information may be stored within a server system and delivered to users such as customers via a variety of network connections [col 3, lines 50-55].

Response to Arguments

Applicant's arguments filed 11/6/2006 have been fully considered but are not persuasive for the following reasons.

Applicant Argues:

Applicant states on page 16 that Shultz is not analogous art.

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that Shultz is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Examiner is at a loss how best to respond to Applicant's contention that Shultz is nonanalogous art because Applicant does not define the Applicant's field of endeavor nor does Applicant define the particular problem that the present invention is attempting to solve. As best examiner is able to ascertain, the field of endeavor and/or particular problem of concern is included in the claim 4 limitation "receiving a request from a device having a service running thereon using a SOAP protocol to receive contacts from the data store." The limitation is broad and general and nothing is claimed that particularly relates to the functionality of the SOAP protocol. Examiner maintains above limitation is **indefinite** (emphasis added) regarding the claimed SOAP protocol. The most definite element in the above limitation is that the SOAP protocol is a means of receiving information (contacts) from a database.

Shultz discloses the following in paragraph 34:

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Detail Description Paragraph:

[0034] As further described below, receipt 26 is an electronically created document instantiated by encoding the information included therein into a standardized format such as that known as Extensible Markup Language (XML). Tools for performing such coding are well-known in the art to which the invention relates and include commercially available software such as JDOM and XERCES, which are publicly distributed on the Internet in both binary and source form. As well-understood by persons skilled in the art to which the invention relates, such tools encode the information from a JAVA class, application, servlet or applet. Receipt 26 can be encrypted to provide security using any suitable means, such as the RSA toolkit produced by RSA Security of Bedford, Massachusetts and the VERISIGN toolkit produced by Verisign In. of Mountain View, Calif. Once created, receipt 26 can be wrapped in a SOAP envelope. As well-known in the art, SOAP, which refers to the Simple Object Access Protocol, is a standards-based way of adding an XML envelope to an XML documents so that the recipient(s) can know what the contents of the XML document are supposed to contain and what, if any, processing is expected or required to be performed. The encrypted, wrapped receipt 26 can then be transmitted by any suitable delivery mechanism. Examples of well-known mechanisms that persons of skill in the art will recognize as suitable for this purpose include electronic mail (e-mail), file transfer protocol (FTP), a messaging middleware such as JAVA Messaging Service (JMS), or a proprietary commercially available product such as MQSERIES from IBM Corporation.

The above states that a SOAP envelope is well-known and expected in the art, i.e., it is an industry standard. Furthermore, Shultz discloses the SOAP protocol is a way of adding an XML envelope to an XML document such that a recipient can know what the contents of the XML document are supposed to contain and what if any processing is expected or required to be performed. Shultz discloses the SOAP protocol is a means of receiving information from a database per the claimed invention. It is proper to conclude that Shultz and the present invention are analogous art.

Further evidence that the SOAP protocol is a well-known means of receiving information is provided by the following specialized dictionary¹ definition of SOAP. SOAP is a acronym for Simple Object Access Protocol. A simple XML-based protocol for exchanging structured and type information on the Web. The protocol contains no application or transport semantics, which

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makes it highly modular and extensible. The above dictionary definition shows that the SOAP protocol is a well-known protocol for exchanging information on the Web i.e., between a server-based database and a user. Since the above disclosure by Shultz concerns exchanging information on the Web by means of the SOAP protocol, it is proper to conclude that Shultz is analogous art per the above dictionary definition.

Still further evidence that the SOAP protocol is a well-known means of receiving information is provided by US Patent No. 6,457, 066 issued to Mein et al, Simple Object Access Protocol. Mein discloses in the abstract that the SOAP protocol invokes a method that returns parameters to a client. Shultz discloses the SOAP protocol is a means of receiving information from a database per the claimed invention. It is proper to conclude that Shultz is analogous art per the disclosure of Mein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

¹ Microsoft Computer Dictionary Fifth Edition

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

11/30/2006



Primary Examiner